



Roll Call Number

16-0433

Agenda Item Number

58B

Date March 7, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM
HUBBELL REALTY COMPANY TO REZONE PROPERTY LOCATED AT
922 8TH STREET, 811 CROCKER STREET AND 915-919 9TH STREET FROM
"R-4" MULTIPLE-FAMILY RESIDENTIAL DISTRICT TO
"C-3A" CENTRAL BUSINESS DISTRICT SUPPORT COMMERCIAL DISTRICT**

WHEREAS, on February 22, 2016, by Roll Call No. 16-0278, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 18, 2016, its members voted 6-3 in support of a motion to recommend **APPROVAL** of a request from Hubbell Realty Company, represented by Steve Neibuhr (officer), to rezone property located at 922 8th Street, 811 Crocker Street and 915-919 9th Street ("Property") from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District to allow redevelopment of the Property for three multi-family residential apartment buildings with zero setback multiple-family residential dwellings; and

WHEREAS, on February 22, 2016, by Roll Call No. 16-0278, it was duly resolved by the City Council that the application of Hubbell Realty Company to rezone the Property, as legally described below, be set down for hearing on March 7, 2016 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 922 8th Street, 811 Crocker Street and 915-919 9th Street, legally described as:

Lots 23 and 24 in GEORGE SNEER'S SUBDIVISION OF DIVISION 4 OF GRIMMELL'S ADDITION TO THE TOWN OF FORT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said tract of land being subject to and together with any and all easements of record. Said tract of land contains 0.34 acres more or less.

And

The South 32.0 feet of Lot 4 except the West 5.0 feet thereof, Lots 2 and 3 except the West 5.0 feet thereof, and the East 68.0 feet of Lot 1, all in SUBDIVISION OF BLOCK P, HOLCOMB'S ADDITION TO FT DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said tract of land being subject to and together with any and all easements of record. Said tract of land contains 0.58 acres more or less

(continued)

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-2-

from "R-4" Multiple-Family Residential District to "C-3A" Central Business District Support Commercial District to allow redevelopment for three multi-family residential apartment buildings with zero setback.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to "C-3A" Central Business District Support Commercial District are hereby overruled, and the hearing is closed.
3. The proposed rezoning of the Property to "C-3A" Central Business District Support Commercial District is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Hensley TO ADOPT, and refer to the City Manager to discuss with the stakeholders the various options for moving the building.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2016-00007)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh

City Clerk